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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,218

09/19/2005

Ilias Manettas

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

RALIS, STEPHEN J

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/550,218</p>	<p>Applicant(s) MANETTAS ET AL.</p>	
	<p>Examiner /Stephen J. Ralis/</p>	<p>Art Unit 3742</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 12-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742

/Stephen J Ralis/
Examiner, Art Unit 3742

Continuation of 11. does NOT place the application in condition for allowance because: With respect to applicant's argument that the heater element (46) of Alsenz is not a defroster heater, the examiner respectfully disagrees. The examiner notes that during examination, claims are given their broadest reasonable interpretation. In that regard, a defroster heater is examined as a heater being disposed and operated in conjunction with the defroster. Alsenz discloses the defroster means (26) being a heater (column 5, lines 1-5). Alsenz further discloses a heating means (46) being associated with the operation of the defroster means (26) (column 8, line 18 - column 9, line 10). Therefore since the heating means (46) is associated with the operating means of the defrosting means (26) (Abstract; see Figure 2), the heating means (46) of Alsenz fully meets a "defroster heater" given its broadest reasonable interpretation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the operation of the defroster heater does not defrost an evaporator coil) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant's argument that Alsenz is silent with respect to (a) recording a voltage value of a supply voltage for the defroster heater, (b) generating a pulse-duty ratio for a pulsed supply current for the defroster heater depending on the recorded voltage value, and (c) supplying the defroster heater with the pulsed supply current keyed according to the generated pulse-duty ratio, for a fixed heating interval, or for that matter, devices for performing these features, as recited in independent claims 12 and 19, the examiner respectfully disagrees. As the examiner asserts above, the heating means (46) fully meets a "defroster heater" given its broadest reasonable interpretation.

With respect to the limitations of recording a voltage value of a supply voltage for the defroster heater, Alsenz discloses the capacitor (75) slowly charging until it reaches a selected voltage level that causes reverse conduction of DIAC (68) (conveniently about 32 volts) which causes capacitor (75) to discharge and the LED (70) to conduct, thus generating electromagnetic radiation of preselected wavelengths that is directed toward the LASCR (49). Alsenz further discloses as soon as capacitor (75) discharges, the DIAC (68) reverses, shutting off LED (70) and permitting capacitor (75) to begin charging again. Accordingly, it can be seen that LED (70) will be "turned on" at regular intervals determined by the RC time constant of resistor (66) and capacitor (75) acting as a pulse circuit means, and the LED will generate successive pulses or bursts of electromagnetic radiation directed toward the LASCR which in return in turns on the heater (46). Alsenz clearly records, or registers electronically, the voltage charge of the capacitor (75) until it reaches a certain level. Therefore, the electronic registering of the voltage of Alsenz on the capacitor (75) fully meets "recording a voltage value of a supply voltage for the defroster heater" given its broadest reasonable interpretation.

Furthermore in light of heater (46) being interpreted as the defroster heater, Alsenz further discloses generating a pulse-duty ratio for a pulsed supply current for said defroster heating heater depending on said recorded voltage value (pulse circuit means; column 8, lines 25-64); and supplying said defroster heater (heater 46) with said pulsed supply current (pulses or bursts of current through heater 46; pulse circuit means; column 8, lines 25-64) keyed according to said generated pulse-duty ratio, for a fixed heating interval (page 13, claim 9; page 15, claims 22-28).

With respect to applicant's arguments' that a legal precedent cannot be used in view of Alsenz, the examiner respectfully disagrees. As asserted above Alsenz fully meets the recitation to "(a) recording a voltage value of a supply voltage for the defroster heater, (b) generating a pulse-duty ratio for a pulsed supply current for the defroster heater depending on the recorded voltage value, and (c) supplying the defroster heater with the pulsed supply current keyed according to the generated pulse-duty ratio, for a fixed heating interval" given its broadest reasonable interpretation. Therefore, the examiner maintains the rejections of claims 15-17 and 22-25 over Alsenz since the meets all material limitations of the claims at hand and is anticipatory.

Continuation of 13. Other: With respect to applicant's argument to the objection to the specification under 35 U.S.C. 132(a), the argument is deemed persuasive. Therefore, the amendment to the specification filed 02 October 2007 has been entered in addition to the amendment filed 28 January 2008.